

FEB 06 2009

THOMAS R. FALLQUIST  
SPOKANE COUNTY

**Superior Court of Washington  
County of Spokane**

**State of Washington, Plaintiff,**

vs.

MELISSA M. KATRUSKA,  
Defendant.

SID: WA24641499  
DOB: 09/17/1976

No. 08-1-02119-1

**Felony Judgment and Sentence (FJS)**

☐ Prison ☐ RCW 9.94A.712 Prison Confinement  
☐ Jail One Year or Less ☐ RCW 9.94A.712 Prison  
Confinement  
☒ First-Time Offender  
☐ Special Sexual Offender Sentencing Alternative  
☐ Special Drug Offender Sentencing Alternative  
☒ Clerk's Action Required, para 4.1, 5.2, 5.3,  
and 5.6

**I. Hearing**

1.1 The court conducted a sentencing hearing on February 6, 2009; the defendant, the defendant's lawyer, and the Assistant Attorney General were present.

**II. Findings**

There being no reason why judgment should not be pronounced, in accordance with the proceedings in this case, the court ***Finds:***

**2.1 Current Offenses:** The defendant is guilty of the following offenses, based upon

☒ guilty plea ☐ jury-verdict ☐ bench trial:

Count	Crime	RCW (w/subsection)	Class	Date of Crime
1	Theft in the First Degree	9A.56.030(1)(a) 9A.20.021(1)(b)	B	Between September 30, 2006 and November 6, 2006
2	Theft in the First Degree	9A.56.030(1)(a) 9A.20.021(1)(b)	B	Between January 10, 2007 and December 7, 2007
3	Medicaid False Statement	74.09.230(1) 9A.20.021(1)(c)	C	January 29, 2006
4	Medicaid False Statement	74.09.230(1) 9A.20.021(1)(c)	C	March 1, 2006
5	Medicaid False Statement	74.09.230(1) 9A.20.021(1)(c)	C	October 30, 2006

6	Medicaid False Statement	74.09.230(1) 9A.20.021(1)(c)	C	November 30, 2006
7	Medicaid False Statement	74.09.230(1) 9A.20.021(1)(c)	C	December 29, 2006,
8	Medicaid False Statement	74.09.230(1) 9A.20.021(1)(c)	C	January 26, 2007
9	Medicaid False Statement	74.09.230(1) 9A.20.021(1)(c)	C	January 26, 2007
10	Medicaid False Statement	74.09.230(1) 9A.20.021(1)(c)	C	January 26, 2007

[ ] The victim was developmentally disabled, mentally disordered, or a frail elder or vulnerable adult at the time of the offense in Counts I – X. RCW 9.94A.838, 9A.44.010.

[ ] The defendant has a **chemical dependency** that has contributed to the offense(s). RCW 9.94A.607.

[ ] Current offenses encompassing the same criminal conduct and counting as one crime in determining the offender score are (RCW 9.94A.589):

## 2.2 Criminal History (RCW 9.94A.525):

	<b>Crime</b>	<b>Date of Sentence</b>	<b>Sentencing Court (County &amp; State)</b>	<b>Date of Crime</b>	<b>A or J Adult, Juv.</b>	<b>Type of Crime</b>
1	None known.					

## 2.3 Sentencing Data:

Count No.	Offender Score	Seriousness Level	Standard Range (not including enhancements)	Plus Enhancements	Total Standard (including enhancements)	Maximum Term
1	9	II	43 to 57 months	Aggravating Factors Withdrawn	43 to 57 months	10 yrs \$20,000
2	9	II	43 to 57 months	Aggravating Factors Withdrawn	43-57 months	10 yrs \$20,000
3	N/A	Unranked	Not more than 12 months	Aggravating Factors Withdrawn	Not more than 12 months	5 yrs \$25,000
4	N/A	Unranked	Not more than 12 months	Aggravating Factors Withdrawn	Not more than 12 months	5 yrs \$25,000
5	N/A	Unranked	Not more than 12 months	Aggravating Factors Withdrawn	Not more than 12 months	5 yrs \$25,000
6	N/A	Unranked	Not more than 12 months	Aggravating Factors Withdrawn	Not more than 12 months	5 yrs \$25,000
7	N/A	Unranked	Not more than 12 months	Aggravating Factors Withdrawn	Not more than 12 months	5 yrs \$25,000
8	N/A	Unranked	Not more than 12 months	Aggravating Factors Withdrawn	Not more than 12 months	5 yrs \$25,000
9	N/A	Unranked	Not more than 12 months	Aggravating Factors Withdrawn	Not more than 12 months	5 yrs \$25,000
10	N/A	Unranked	Not more than 12 months	Aggravating Factors Withdrawn	Not more than 12 months	5 yrs \$25,000

☐ **Exceptional Sentence.** The court finds substantial and compelling reasons that justify an exceptional sentence:

☐ within ☐ below the standard range for Count(s) \_\_\_\_\_.

☐ above the standard range for Count(s) \_\_\_\_\_.

☐ The defendant and state stipulate that justice is best served by imposition of the exceptional sentence above the standard range and the court finds the exceptional sentence furthers and is consistent with the interests of justice and the purposes of the sentencing reform act.

☐ Aggravating factors were ☐ stipulated by the defendant, ☐ found by the court after the defendant waived jury trial, ☐ found by jury, by special interrogatory.

Findings of fact and conclusions of law are attached in Appendix 2.4. ☐ Jury's special interrogatory is attached. The Prosecuting Attorney ☐ did ☐ did not recommend a similar sentence.

**2.5 Ability to Pay Legal Financial Obligations.** The court has considered the total amount owing, the defendant's past, present, and future ability to pay legal financial obligations, including the defendant's financial resources and the likelihood that the defendant's status will change. The court finds that the defendant has the ability or likely future ability to pay the legal financial obligations imposed herein. RCW 9.94A.753.

☐ The following extraordinary circumstances exist that make restitution inappropriate (RCW 9.94A.753):

### III. Judgment

3.1 The defendant is **Guilty** of Counts I – X and Charges listed in Paragraph 2.1.

3.2 ☐ The defendant is found **Not Guilty** of Counts \_\_\_\_\_.

☐ The court **Dismisses** Counts \_\_\_\_\_.

### IV. Sentence and Order

#### ***It is Ordered:***

4.1a The defendant shall pay **to the clerk of this court:**

#### JASS CODE

\$ 20,000.00 Restitution to: DSHS c/o Medicaid Fraud Control Unit, PO Box 40116,  
Olympia, WA 98504-40116

#### RTN/RJN

\$ \_\_\_\_\_ Restitution to: \_\_\_\_\_

\$ \_\_\_\_\_ Restitution to: \_\_\_\_\_

(Name and Address--address may be withheld and provided  
confidentially to Clerk of the Court's office.)

#### PCV

\$ 500.00 Victim assessment RCW 7.68.035

\$ \_\_\_\_\_ Domestic Violence assessment RCW 10.99.080

#### CRC

\$ 200.00 Court costs, including RCW 9.94A.760, 9.94A.505, 10.01.160, 10.46.190

Criminal filing fee \$ \_\_\_\_\_ FRC

Witness costs \$ \_\_\_\_\_ WFR

Sheriff service fees \$ \_\_\_\_\_ SFR/SFS/SFW/WRF

Jury demand fee \$ \_\_\_\_\_ JFR

Extradition costs \$ \_\_\_\_\_ EXT

Other \$ \_\_\_\_\_

PUB	\$ 250.00	Fees for court appointed attorney	RCW 9.94A.760
WFR	\$	Court appointed defense expert and other defense costs	RCW 9.94A.760
FCM/MTH	\$	Fine RCW 9A.20.021; [ ] VUCSA chapter 69.50 RCW, [ ] VUCSA additional fine deferred due to indigency RCW 69.50.430	
CDF/LDI/PCD NTF/SAD/SDI	\$	Drug enforcement fund of	RCW 9.94A.760
CLF	\$	Crime lab fee [ ] suspended due to indigency	RCW 43.43.690
	\$ 100.00	Felony DNA collection fee [ ] not imposed due to hardship	RCW 43.43.7541
RTN/RJN	\$	Emergency response costs (Vehicular Assault, Vehicular Homicide only, \$1000 maximum)	RCW 38.52.430
	\$	Other costs for:	
	\$ 21,050	<b>Total</b>	RCW 9.94A.760

[ ] The above total does not include all restitution or other legal financial obligations, which may be set by later order of the court. An agreed restitution order may be entered. RCW 9.94A.753. A restitution hearing:

[ ] shall be set by the prosecutor.

[ ] is scheduled for \_\_\_\_\_.

**[X] Restitution** Schedule attached as APPENDIX E.

[ ] The Department of Corrections (DOC) or clerk of the court shall immediately issue a Notice of Payroll Deduction. RCW 9.94A.7602, RCW 9.94A.760(8).

[X] All payments (except restitution which shall be \$ \_\_\_\_\_ paid at time of sentencing on all charged and uncharged counts) to: **Spokane County Superior Court Clerk**, shall be made in accordance with the policies of the clerk of the court and on a schedule established by DOC or the clerk of the court, commencing immediately, unless the court specifically sets forth the rate here: Not less than \$ 25.00 per month commencing ~~days from entry of judgment~~ **BEGINNING MAY 5, 2009 AND ON THE 5TH OF EACH MONTH THEREAFTER.** RCW 9.94A.760.

*(Total Restitution \$25.00)*

The defendant shall report to the clerk of the court or as directed by the clerk of the court to provide financial and other information as requested. RCW 9.94A.760(7)(b).

*PAID.*

[ ] The court finds that the defendant has the means to pay, in addition to the other costs imposed herein, for the cost of incarceration and the defendant is ordered to pay such costs at the rate of \$50 per day, unless another rate is specified here: \_\_\_\_\_. (JLR) RCW 9.94A.760.

The financial obligations imposed in this judgment shall bear interest from the date of the judgment until payment in full, at the rate applicable to civil judgments. RCW 10.82.090. An award of costs on appeal against the defendant may be added to the total legal financial obligations. RCW 10.73.160.

**4.2 DNA Testing.** The defendant shall have a biological sample collected for purposes of DNA identification analysis and the defendant shall fully cooperate in the testing. The appropriate agency shall be responsible for obtaining the sample prior to the defendant's release from confinement. RCW 43.43.754.

**4.3 No Contact:** The defendant shall not initiate contact with Craig Eynon including, but not limited to, personal, verbal, telephonic, written or contact through a third party for 10 years (not to exceed the maximum statutory sentence), and shall not be physically present within one block of victim's home, currently 2911 East Rockwell Avenue, Spokane WA.

**4.4 Other:** Defendant is excluded and prohibited from contacting or providing care or care services to vulnerable adults particularly Medicaid clients; Further, entry of this Judgment and Sentence shall not be construed so as to

preclude the Department of Social and Health Services from recovering additional monies unrelated to these criminal charges which may represent overpayments made to the Defendant under her former provider contract; and no additional criminal charges arising from the Washington State Attorney General's Office/Medicaid Fraud Control Unit investigation number 07-09-13 shall be filed.

**4.5 First-Time Offender Waiver of Standard Sentence.** RCW 9.94A.030, RCW 9.94A.650. The defendant is a first-time offender. The court waives imposition of a sentence within the standard sentence range and imposes the following sentence:

- (a) **Confinement.** The court sentences the defendant to the following term of total confinement in the custody of the county jail:  
\_\_\_\_\_ 30 per EHM w/ Geyer days total confinement (up to 90 days). RCW 9.94A.650.

Other: \_\_\_\_\_

Confinement shall commence immediately unless otherwise set forth here: \_\_\_\_\_

☒ **Partial Confinement.** The defendant may serve the sentence, if eligible and approved, in partial confinement in the following programs, subject to the following conditions: \_\_\_\_\_

☐ work crew RCW 9.94A.725

☒ home detention RCW 9.94A.731, .190 (30 days  
Of electronic home monitoring if eligible)

☐ work release RCW 9.94A.731

☐ **Alternative Conversion.** RCW 9.94A.680. \_\_\_\_\_ days of total confinement ordered above are hereby converted to \_\_\_\_\_ hours of community restitution (service) (8 hours = 1 day, nonviolent offenders only, 30 days maximum) under the supervision of the Department of Corrections (DOC) to be completed:

☐ on a schedule established by the defendant's community corrections officer.

☐ as follows: \_\_\_\_\_

☐ **Conversion of Jail Confinement (Nonviolent and Nonsex Offenses).** RCW 9.94A.680(3). The county jail is authorized to convert jail confinement to an available county supervised community option and may require the offender to perform affirmative conduct pursuant to RCW 9.94A.607.

☐ **Alternatives to total confinement** were not used because of: \_\_\_\_\_

☐ criminal history ☐ failure to appear (finding required for nonviolent offenders only) RCW 9.94A.680.

- (b) **Community Restitution (Service).** RCW 9.94A.505. The defendant shall perform \_\_\_\_\_ hours of community restitution (service) as approved by the defendant's community corrections officer to be completed:

☐ on a schedule established by the defendant's community corrections officer.

☐ as follows: \_\_\_\_\_

This community restitution is in addition to the ordered total confinement.

- (c) The defendant shall receive credit for time served prior to sentencing if that confinement was solely under this cause number. RCW 9.94A.505. The jail shall compute time served unless the credit for time served prior to sentencing is specifically set forth here by the court: \_\_\_\_\_

**4.6 Community ☐ Supervision ☒ Custody.** RCW 9.94A.650. The defendant shall serve 12 24 months in ☒ community supervision ☐ community custody (up to 12 months unless treatment is ordered, in which case the period of community supervision or community custody may include

up to the period of treatment but shall not exceed two years), under the supervision of DOC. The defendant shall report to the DOC, 1717 W. Broadway, Spokane, WA 99201 (509) 568-3123 not later than 72 hours after release from custody; and the defendant shall comply with the instructions, rules and regulations of DOC for the conduct of the defendant during the period of community supervision or community custody shall obey all laws, perform affirmative acts as required by DOC to confirm compliance with the orders of the court, and shall comply with any other conditions of community supervision or community custody stated in this Judgment and Sentence or other conditions imposed by the court or by DOC under RCW 9.94A.720 during community custody:

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> pay all court-ordered legal financial obligations  | <input type="checkbox"/> undergo available outpatient treatment for a                                    |
| <input checked="" type="checkbox"/> notify the community corrections officer in advance of any change in defendant's address or employment | period not to exceed two years, or inpatient treatment not to exceed the standard range for that offense |
| <input checked="" type="checkbox"/> report as directed to a community corrections officer  | <input type="checkbox"/> remain within prescribed geographical boundaries                                |
| <input type="checkbox"/> devote time to specific employment or occupation  | <input type="checkbox"/> pursue a prescribed course of secular study                                     |

☒ have no contact with Kara Taylor physically, telephonically, verbally, in writing or electronically, or through third parties.

The conditions of community supervision or community custody shall begin immediately unless otherwise set forth here: \_\_\_\_\_

## V. Notices and Signatures

**5.1 Collateral Attack on Judgment.** If you wish to petition or move for collateral attack on this Judgment and Sentence, including but not limited to any personal restraint petition, state habeas corpus petition, motion to vacate judgment, motion to withdraw guilty plea, motion for new trial or motion to arrest judgment, you must do so within one year of the final judgment in this matter, except as provided for in RCW 10.73.100. RCW 10.73.090.

**5.2 Length of Supervision.** If you committed your offense prior to July 1, 2000, you shall remain under the court's jurisdiction and the supervision of the Department of Corrections for a period up to 10 years from the date of sentence or release from confinement, whichever is longer, to assure payment of all legal financial obligations unless the court extends the criminal judgment an additional 10 years. If you committed your offense on or after July 1, 2000, the court shall retain jurisdiction over you, for the purpose of your compliance with payment of the legal financial obligations, until you have completely satisfied your obligation, regardless of the statutory maximum for the crime. RCW 9.94A.760 and RCW 9.94A.505(5). The clerk of the court has authority to collect unpaid legal financial obligations at any time while you remain under the jurisdiction of the court for purposes of your legal financial obligations. RCW 9.94A.760(4) and RCW 9.94A.753(4).

**5.3 Notice of Income-Withholding Action.** If the court has not ordered an immediate notice of payroll deduction in Section 4.1, you are notified that the Department of Corrections (DOC) or the clerk of the court may issue a notice of payroll deduction without notice to you if you are more than 30 days past due in monthly payments in an amount equal to or greater than the amount payable for one month. RCW 9.94A.7602. Other income-withholding action under RCW 9.94A.760 may be taken without further notice. RCW 9.94A.7606.

**5.4 Restitution Hearing.**

☐ I waive any right to be present at any restitution hearing (sign initials): \_\_\_\_\_.

**5.5 Community Custody Violation.**

- (a) If you are subject to a first or second violation hearing and DOC finds that you committed the violation, you may receive as a sanction up to 60 days of confinement per violation. RCW 9.94A.634.
- (b) If you have not completed your maximum term of total confinement and you are subject to a third violation hearing and DOC finds that you committed the violation, DOC may return you to a state correctional facility to serve up to the remaining portion of your sentence. RCW 9.94A.737(2).

**5.6 Firearms.** You must immediately surrender any concealed pistol license and you may not own, use or possess any firearm unless your right to do so is restored by a court of record. (The clerk of the court shall forward a copy of the defendant's driver's license, identicard, or comparable identification to the Department of Licensing along with the date of conviction or commitment.) RCW 9.41.040, 9.41.047.

**5.7 EXCLUDED –** Not applicable.

**5.8** ☐ Count \_\_\_\_\_ is a felony in the commission of which you used a motor vehicle. The clerk of the court is directed to immediately forward an Abstract of Court Record to the Department of Licensing, which must revoke your driver's license. RCW 46.20.285.

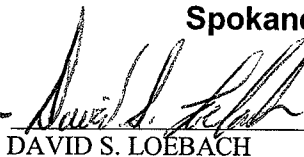
**5.9** If you are or become subject to court-ordered mental health or chemical dependency treatment, you must notify DOC and you must release your treatment information to DOC for the duration of your incarceration and supervision. RCW 9.94A.562.

**5.10 Other:** \_\_\_\_\_

**Done** in Open Court and in the presence of the defendant this date: 10 FEBRUARY 2009

**The Honorable Annette S. Plese, Judge  
Spokane County Superior Court**


  
LYNN M. MOUNSEY LONGMEIER  
Assistant Attorney General  
WSBA No. 17702

  
DAVID S. LOEBACH  
Attorney for Defendant  
WSBA No. 38125

  
Melissa M. Katruska  
Defendant

**Voting Rights Statement:** I acknowledge that my right to vote has been lost due to felony conviction. If I am registered to vote, my voter registration will be cancelled. My right to vote may be restored by: a) A certificate of discharge issued by the sentencing court, RCW 9.94A.637; b) A court order issued by the sentencing court restoring the right, RCW 9.92.066; c) A final order of discharge issued by the indeterminate sentence review board, RCW 9.96.050; or d) A certificate of restoration issued by the governor, RCW 9.96.020. Voting before the right is restored is a class C felony, RCW 92A.84.660.

Defendant's signature: \_\_\_\_\_



### Identification of the Defendant

SID No. WA24641499 Date of Birth 09/17/1976  
(If no SID take fingerprint card for State Patrol)

FBI No. None Local ID No. None

PCN No. None Other \_\_\_\_\_

Alias name, DOB: \_\_\_\_\_

**Race:**

☐ Asian/Pacific Islander ☐ Black/African-American

☐ Native American

☐ Other: \_\_\_\_\_

**Ethnicity:**

☐ Hispanic

☐ Non-Hispanic

**Sex:**

☐ Male

☒ Female



**Fingerprints:** I attest that I saw the same defendant who appeared in court on this document affix his or her fingerprints and signature thereto.

Clerk of the Court, Deputy Clerk,  
**THOMAS R. FALLQUIST, County Clerk**

Mary V. King

Dated: February 6, 2009

**The defendant's signature:**

Melissa Katusko

Left four fingers taken simultaneously

Left  
Thumb

Right  
Thumb

Right four fingers taken simultaneously



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8 **STATE OF WASHINGTON  
SPOKANE COUNTY SUPERIOR COURT**

9 STATE OF WASHINGTON,

NO. 08-1-02119-1

10 Plaintiff,

JUDGMENT AND SENTENCE  
(FELONY) - APPENDIX E  
SCHEDULE OF RESTITUTION

11 v.

12 MELISSA M. KATRUSKA  
13 DOB: 09/17/1976,

14 Defendant.

15 **RESTITUTION ORDER:**

16 The defendant has been ordered this day to pay \$20,000.00 as restitution through the  
17 Spokane County Clerk's Office, to the following person(s) in the following amounts and  
18 sequences, **checks made payable to Spokane County Clerk**, to be disbursed by the Spokane  
19 County Clerk as follows:

20 Department of Social & Health Services  
21 C/O Medicaid Fraud Control Unit  
22 P.O. BOX 40114  
23 Olympia, Washington 980504-0114

24 **In the amount of \$200.00 a month, beginning 60 days from the entry of this**  
25 **Judgment and Sentence.**  
26 **MONTH THROUGH THE 5<sup>TH</sup> OF EACH MONTH UNTIL PAID.**

MAY 5, 2009, FROM BOX

1 DATED this 6<sup>th</sup> day of February, 2009.

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5 Presented by:

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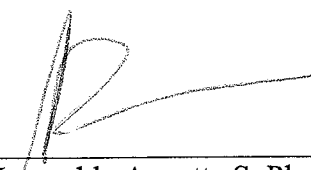
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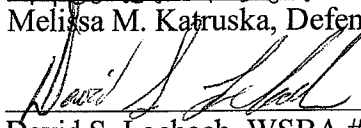
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Lynn M. Mounsey Longmeier  
WSBA #17701  
Assistant Attorney General

  
The Honorable Annette S. Plese, Judge  
Spokane County Superior Court

Melissa M. Katruska  
Melissa M. Katruska, Defendant  
  
David S. Loebach, WSBA #38125  
Attorney for Defendant



STATE OF WASHINGTON  
DEPARTMENT OF CORRECTIONS

DIVISION OF COMMUNITY CORRECTIONS  
West 1717 Broadway • Spokane, Washington 99201-1665 • (509) 456-3260

PLEASE COMPLETE THIS INFORMATION SHEET PRIOR TO LEAVING COURTROOM AND GIVE TO PROSECUTING ATTORNEY. FAILURE TO FILL OUT FORM COMPLETELY MAY RESULT IN THE DEPARTMENT OF CORRECTIONS BEING UNABLE TO LOCATE YOU, WHICH MAY RESULT IN A WARRANT BEING ISSUED FOR YOUR ARREST.

**\*\*Please Print Clearly\*\***

NAME: Melissa H. Katniska

ADDRESS: 5809 W. Cedar

[Include Street Direction (N,S,E,W), House No. and/or Apt. No., and Street Name]

Spokane WA 99205  
[City] [State] [Zip Code]

SOCIAL SECURITY NO.: 531-82-2503

DATE OF BIRTH: 9-17-76

PHONE: (509) 217-9155  
[Area Code]

NAME & ADDRESS OF NEAREST RELATIVE: Linda Bender -

8711 W. Colton Spokane WA 99218 (509) 279-2489